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9 AUTOMOTIVE CORPORATION

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: DMCA SECTION 512(H)  
SUBPOENA TO GITHUB, INC.

MISC. ACTION NO: 3:23-MC-80164-LJC

**DECLARATION OF PETE KIOUSIS IN  
SUPPORT OF PETITIONER NEXTEER  
AUTOMOTIVE CORPORATION'S  
REQUEST TO THE CLERK FOR ISSUANCE  
OF A SUBPOENA TO GITHUB, INC.  
PURSUANT TO 17 U.S.C. § 512(H) TO  
IDENTIFY ALLEGED INFRINGER(S)**

1 I, Pete Kiousis, declare as follows:

2 1. I am the Assistant General Counsel and Chief IP Counsel at Nexteer Automotive  
 3 Corporation ("Nexteer"). As part of my duties, I am responsible for monitoring and addressing  
 4 infringement of copyrights owned by or assigned to Nexteer.

5 2. I am authorized to act on Nexteer's behalf. I submit this declaration in support of  
 6 Nexteer's request for issuance of a subpoena to GitHub, Inc. ("GitHub") pursuant to the Digital  
 7 Millennium Copyright Act ("DCMA"), 17 U.S.C. § 512(h) (the "DMCA Subpoena").

8 3. The purpose of Nexteer's DMCA Subpoena is to identify the alleged infringer or  
 9 infringers who posted Nexteer's source code and source code assigned to Nexteer on systems operated  
 10 by GitHub without Nexteer's authorization, which postings infringe copyrights held by Nexteer (the  
 11 "Infringing Content"). I have personal knowledge of the facts contained herein and, if called upon to do  
 12 so, I could and would testify competently thereto.

13 4. I submitted on behalf of Nexteer multiple DMCA notifications, via GitHub's online  
 14 DMCA notification form (which can be accessed on GitHub's website), identifying the Infringing  
 15 Content on GitHub's systems and providing the information required by 17 U.S.C. § 512(c)(3)(A).  
 16 Attached hereto as Exhibit 1 are true and correct copies of two emails reflecting the information I  
 17 submitted through GitHub's online form, along with GitHub's response to the DMCA notifications. I  
 18 was authorized to act on behalf of Nexteer in submitting this DMCA notification.

19 5. Nexteer's DMCA Subpoena is sought to obtain the identity of an alleged infringer or  
 20 infringers, and such information will only be used for the purpose of protecting Nexteer's rights under 17  
 21 U.S.C. §§ 100, et seq.

22 I declare under penalty of perjury under the laws of the State of California and Michigan that the  
 23 foregoing is true and correct.

24 Executed on February 27, 2024 at Waterford Township, Oakland County, Michigan.

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 26  
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28 Pete Kiousis